IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.2 OF 2003

IN

PETITION NO.553 OF 1997

Smt Sundri M. Mirchandani ...Petitioner

v/s

Smt Savita M. Malkani and ors. ...Respondents

Mr S.M. Sakhalkar i/b Mr S.S. Wagh for Petitioner.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 6TH JULY 2006.

P.C. :-

1. This is a petition taken out for revoking the probate of the will granted by this Court. The revocation of the probate is sought on the ground that the testator was not, according to the petitioner, owner of flat No.48, Bharat Mahal, 86 Marine Drive, Mumbai 400 002. I do not see any reason to revoke the probate for this reason because the Court granting probate of the will does not decide title to the property which may have been mentioned in the will. Despite grant of probate if, according to the petitioner, the deceased was not owner of the property at the time of her death, it is open to the petitioner to institute her own proceedings to establish her title to the property.

Petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.